

CHAPTER 3
BENEFITS ADVISORY COMMITTEE

[Prior to 1/7/04, see 581—21.33]

495—3.1(97B) Benefits advisory committee.

3.1(1) Scope. These rules shall govern the conduct of business by the IPERS' benefits advisory committee (BAC) pursuant to Iowa Code section 97B.8B.

3.1(2) Purpose. The BAC shall be an advisory committee that serves as a channel for employers and employees to help formulate policies and recommendations regarding the provision of benefits and services to members of the system.

495—3.2(97B) Membership organizations.

3.2(1) The BAC shall be composed of representatives appointed by the following: the Iowa State Education Association, the Iowa Association of Community College Trustees, the School Administrators of Iowa, the Iowa Association of School Boards, the Retired School Personnel Association, the State Police Officers' Council, the state of Iowa (which shall be represented by the director of the department of administrative services), the IPERS' Improvement Association, the American Federation of State, County, and Municipal Employees, the Iowa State Sheriffs' and Deputies' Association, the Iowa State Association of Counties, the Iowa League of Cities, and the Iowa Association of Chiefs of Police and Peace Officers, Inc.

In addition, there shall be a citizen representative who has substantial pension benefits experience and who is not a member of IPERS.

3.2(2) Appointment of BAC representatives. Each membership organization shall appoint a representative to serve on the BAC. The citizen representative shall be elected by the eight voting representatives who serve under subrules 3.4(1) and 3.4(2). All BAC representatives shall provide in writing to the chairperson the name, address, and telephone number of and other information about the representative as required by the chairperson. The BAC shall not entertain petitions disputing a membership organization's choice of its representative.

3.2(3) Attendance. Any representative shall be deemed to have submitted a resignation from participation in the BAC if either of the following events occurs:

- a.* The representative does not attend three or more consecutive regularly scheduled meetings.
- b.* The representative attends fewer than one-half of the regularly scheduled meetings of the BAC each fiscal year.

This provision applies only to a period beginning on or after the date when the person assumes the position of representative. In the event that a representative is deemed to have resigned under this provision, the chairperson shall immediately notify the representative's organization and require the appointment of a different representative within 30 days.

If a representative is unable to attend a meeting, an alternate may attend the meeting, but shall not be able to cast a vote. Attendance by an alternate shall not relieve the regular representative of the responsibility of attendance at regularly scheduled meetings.

495—3.3(97B) Replacement or expansion of organizations. An organization must be a unit of the executive branch or a formally organized corporation or association representing a viable and identifiable group of covered employers or covered employees as determined by the BAC in its sole discretion.

An organization that wishes to replace an existing organization may petition the BAC at any time to do so. If the BAC determines that there are two organizations that meet the foregoing requirements and purport to represent the same group of covered employers or employees, the committee seat shall be awarded to the organization representing the largest number of employer or employee constituents, as applicable.

An organization that would qualify as an organization under this rule may also, in lieu of replacing an existing organization, petition the BAC to increase the number of organizations listed in subrule 3.2(1) to include that organization.

Beginning March 2005 and every three years thereafter, the BAC will review new applications for replacement or expansion of organizations. The applications will be reviewed by a subcommittee that will offer recommendations to the full BAC for consideration at the March meeting before the end of each three-year period.

This rule shall not be construed to affect the BAC positions reserved for the director of the department of administrative services or the position reserved for a citizen who has substantial pension benefits experience and who is not a member of IPERS.

495—3.4(97B) Voting representatives. The BAC shall have nine voting representatives. Four shall represent employers, four shall represent active and retired members of the system, and one shall be a citizen who has substantial pension benefits experience and who is not a member of IPERS.

3.4(1) Employer voting representatives. One representative shall be the director of the department of administrative services. The remaining employer representatives shall be elected by the full membership of the BAC as follows: one shall be a representative of an employer group representing cities, one shall be a representative of an employer group representing counties, and one shall be a representative of an employer group representing local school districts.

3.4(2) Employee voting representatives. One voting representative shall be elected by the full membership of the BAC from the membership organizations that represent teachers. The other three voting representatives of active and retired members shall be elected by the remaining BAC representatives not automatically selected by virtue of legally mandated seats or designated as voting members by the full membership of the BAC under subrule 3.4(1) or this subrule. No more than one of these voting members shall be the representative of an employee group that solely represents the public safety protection classes.

3.4(3) Voting rights. No membership organization shall be permitted to designate a substitute voting representative to cast the vote of a membership organization at a meeting in the event that the named representative cannot attend the meeting. No membership organization shall have more than one vote on a matter brought before the BAC.

3.4(4) Terms of voting representatives. The term of each voting representative shall be three years, beginning and ending as provided in Iowa Code section 97B.8B, except as otherwise indicated in this subrule.

The terms of the voting representatives shall be staggered, so as to maintain an acceptable level of continuity and experience on the BAC. Accordingly, the terms of voting representatives chosen to begin July 1, 2002, shall be set as follows: The voting representatives shall draw lots to determine the length of their terms of office. Two shall serve for one year, three shall serve for two years, and two shall serve for three years. This formula recognizes that two voting representatives, the director of the department of administrative services and the citizen representative, are required by law to be voting members. The citizen representative shall serve for three years. At the expiration of the one-, two- or three-year term, the voting representative elected to fill that position shall serve for a three-year term.

If a voting representative resigns or is replaced by the appointing organization, the appointing organization shall appoint a successor who shall be a voting member for the remainder of the term in question.

If an organization that is not currently a membership organization successfully petitions to replace a membership organization that is represented by a voting representative, the representative of the replacement membership organization shall complete the remainder of the term of the voting representative in question.

3.4(5) *Quorum and voting requirements and procedures.* A majority of the voting representatives of the BAC constitutes a quorum.

a. Voting requirements. A quorum of the BAC must be present at the time any vote is taken. In order for a motion to pass or for the BAC to conduct business, a majority of the full voting membership must vote in favor of the motion or other business matter.

b. Voting procedures. The chairperson shall rule as to whether the vote will be by voice or roll call. A roll-call vote shall be taken anytime a voice vote is not unanimous. Minutes of the BAC shall indicate the vote of each voting member if a roll-call vote is taken.

3.4(6) *Officers and election.*

a. Officers. The officers of the BAC are the chairperson and vice chairperson and shall be elected by a vote of the full membership of the BAC.

b. Elections. Election of officers shall take place at the first BAC meeting held on or after July 1, 2002, and at the beginning of each fiscal year thereafter. If an officer does not serve out the elected term, a special election shall be held at the first meeting after notice is provided to the BAC to elect a representative to serve out the remainder of the term.

495—3.5 Reserved.

495—3.6(97B) *Duties.* The BAC shall review and advise on the following matters insofar as they impact benefits and services provided to members and member employers under Iowa Code chapter 97B: overall plan design, benefits policy and goals, budget, benchmarking and quality assessment efforts, research and strategic planning. Through its voting representatives, the BAC shall make recommendations to the system, the governor and the general assembly about programs, benefits and services. The BAC shall also participate in annual performance evaluations of the chief benefits officer and, when that position becomes vacant, assist the chief executive officer in the process of defining and selecting a replacement. In addition, the BAC shall recommend to the governor at least two nominees for each vacant position on the investment board reserved for active or retired members of the system. The chairperson of the BAC shall solicit nominations for such vacancies from the entire BAC membership and, through a meeting of the BAC, select the names to be forwarded to the governor.

At least every two years, the BAC shall review the benefits and services provided to members; and the voting representatives shall make recommendations to the system, the governor, and the general assembly concerning the benefits and services provided to members and the system's benefits policies and benefits goals. All of the membership of the BAC, including nonvoting representatives, may have input into formulating such recommendations.

495—3.7(97B) *Committee meetings.* The BAC shall meet at least quarterly, or at the call of the chairperson, or upon the written request by the chief executive officer, or designee, or upon written request of a majority of the BAC representatives. The chairperson shall establish the dates of all regularly scheduled meetings and provide, with reasonable effort, at least one month's notice of those meeting dates, locations, and agenda. Meetings, unless otherwise specified in the agenda, will generally be held at IPERS' headquarters, 7401 Register Drive, Des Moines, Iowa.

3.7(1) Notice of meetings and agenda.

a. Form of notice. Notice of meetings is given by the posting and distributing of the agenda. The agenda lists the time, date, place, and topics to be discussed at the meeting.

b. Posting of agenda. The agenda for each meeting will be posted at IPERS' headquarters.

c. Distribution of agenda. An agenda shall be provided to each BAC representative and to anyone who files a request with the chairperson. The request should state whether the agenda for a particular meeting is desired or whether the agendas for all meetings are desired.

d. Amendments to agenda. After an agenda has been posted and distributed, any amendments to the agenda will be posted, but not distributed. The amended agenda will be posted at least 24 hours prior to the meeting unless, for good cause, notice is impossible or impractical, in which case as much notice as is reasonably possible will be given.

e. Supporting material. Written materials provided to the BAC with the agenda may be examined and copied. Copies of the materials may be distributed at the discretion of the chairperson to persons requesting the materials. The chairperson may require a fee to cover the reasonable cost to the agency to provide the copies.

3.7(2) Recordings, transcripts and minutes of meetings.

a. Recordings. The chairperson shall record by mechanized means each meeting and shall retain the recording for at least one year. Recordings of closed sessions shall be sealed and retained at least one year.

b. Transcripts. Transcripts of meetings will not routinely be prepared. The chairperson will have transcripts prepared upon receipt of a request for a transcript and payment of a fee to cover its cost.

c. Minutes. The chairperson shall record minutes of each meeting. Minutes shall be reviewed, approved, and maintained by the BAC. The chairperson shall sign the approved minutes.

3.7(3) Attendance and participation by the public.

a. Attendance. All meetings of the BAC are open to the public and shall be held in accordance with Robert's Rules of Order, Revised Edition. The BAC may exclude the public from portions of the meeting in accordance with Iowa Code section 21.5.

b. Participation.

(1) Items on agenda. Persons who wish to address the BAC on a matter on the agenda should notify the chairperson in writing at least five days before the meeting. Presentations to the BAC may be made at the discretion of the chairperson.

(2) Items not on agenda. Iowa Code section 21.4 requires the BAC to give notice of its proposed agenda. Therefore, the BAC discourages persons from raising matters not on the agenda. Persons who wish to address the BAC on a matter not on the agenda should file a request with the chairperson to place the matter on the agenda of a subsequent meeting.

c. Coverage by press. Cameras and recording devices may be used during meetings provided they do not interfere with the orderly conduct of the meeting. The chairperson may order that the use of these devices be discontinued if they cause interference and may exclude those persons who fail to comply with that order.

495—3.8(97B) Expenses. Expenses of BAC representatives shall be reimbursed in accordance with Iowa Code section 97B.8B.

These rules are intended to implement Iowa Code chapter 97B as amended by 2003 Iowa Acts, chapter 145, sections 170 to 181.

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